

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, July 22, 2020 @ 7:00PM

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Based on the executive orders from the state, this meeting will be conducted via Zoom. The meeting details were published in the Record.

ROLL CALL

Roll Call	PRESENT	ABSENT
(RM) Chairman Richard McLAUGHLIN	X	
(MR) Vice Chair Michael ROTH	X	
(JP) John POWERS	X	
(RB) Robert BUDINICH	X	
(JC) Jin CHO	X	
(SL) Steve LOTT	X	
(SM) Stephen MARTINEZ		X
(GZ) Gail ZACCARO (alternate a)	X (joined 7:03pm)	
(RF) Robert FRANK (alternate b)	X	

Also present: (JS) John Schettino, Board Attorney
(EL) Elizabeth Leheny, Board Planner (Phillips Preiss)
(AK) Anthony Kurus, Board Engineer (Neglia Engineering)
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

June 24, 2020 minutes

Vote to approve June 24, 2020 minutes.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH					X	
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT			X			

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Stephen MARTINEZ						X
Gail ZACCARO (alternate a)			X			
Robert FRANK (alternate b)		X	X			

INVOICES FOR APPROVAL

4 Park Street (escrow) - Feb. 2020	Neglia Engineering	\$360.00
4 Park Street (escrow) - Feb. 2020	Phillips Preiss Grygiel Leheny Hughes LLC	\$988.00
Total		\$1,348.00

Vote to approve invoices subject to funding.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS	X		X			
Robert BUDINICH			X			
Jin CHO			X			
Steve LOTT			X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

HEARINGS

1. 4 Park Street – 4 additional residential apartments in Industrial zone (Glenn and Jamie Quantmeyer)

Mr. Quantmeyer was sworn in previously and is still under oath. In the last meeting, the professionals were going to consult with Neglia Engineering. Mr. Sean McClellan, 101 West Street, Hillsdale, was sworn in. Mr. McClellan responded to the issues from Neglia. Mr. McClellan re-laid out the parking area, there are more parking spaces, the parking spots were the wrong size, they didn't have the correct aisle widths. This lessened the number of spots, but they still have more conforming spots than required. They have 9x18 spaces, 24ft aisle widths and an ADA van accessible handicap parking space. There are 13 parking spaces where 11 are required. They are not proposing visitor parking spaces. There is one handicap parking space. They are removing the old drive through aisle for the bank that will decrease the impervious coverage. The existing impervious coverage is 68.5% and proposed is 61.6%. Permitted is 50%

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lot coverage and doesn't believe there is an impervious coverage limit to the I-Zone. AK is checking on impervious coverage.

Mr. McClellan summarized the application. The front yard is an existing non-conformity. It is 24.6ft (along Park) where 25ft is required as well as 23.7ft (along Schraalenburgh) where 25 is required. The request is a change of use because residential is not permitted in I-Zone. There are currently 2 residential units in this project and they are expanding that. The footprint of the building is staying the same. The only change aside from striping is removing the drive through aisle. The majority of the drive through will be replaced with grass, but there will be a paver patio on the left side.

The letter provided from Neglia indicated that most of the items were addressed. Truck turning template, site plan depicting door access point and striping south of parking space #12. The space below parking space #12 (next to the new dumpster pad) is not large enough for a spot, so Neglia is asking for that space to be striped off so that no one parks there and sticks out of the aisle. It is not considered a parking spot. Striping at the egress driveway to better denote that.

Mr. Quantmeyer is asking if the parking is shifted down to create one more parking space. AK liked the way the engineers laid out space #7 because the car can back out. The existing curb angles where the handicap spot is doesn't look like an additional spot can be put in. Mr. McClellan said that if the spots were moved, there would be 3 inches short for a spot and would be non-compliant. Mr. Quantmeyer asked if it could be a compact car spot and utilize the space as much as possible. AK doesn't have an issue with a compact car stall. JS noted that it would require a waiver from the RSIS standards. Mr. Quantmeyer said the parking space number is the new #7. The compact parking space dimensions would be 8.5ft.

Mr. McClellan can add the turning radius to the site plan as a condition. Mr. McClellan can also depict the door access points to sidewalks and pedestrian routes in the plan.

Mr. Quantmeyer is proposing a dumpster enclosure with a roof, similar to 1 and 11 Park St. This would shield it from ice and snow, it would not be dangerous for tenant access, it looks prettier, and garbage men have a tendency to put the dumpster where it belongs. The dumpster enclosure is located north of the handicap spot. The dumpster enclosure is a 9.5 x 8 concrete pad with an enclosed structure around a dumpster that complies with the borough's accessory structure code requirements. Architectural structural plans will be submitted with the initial plans to the building inspector. AK noted that the Neglia letter comment #7 about dumpster details. The dumpster enclosure description from Mr. Quantmeyer and Mr. McClellan is good. AK noted that the comment #6 is for ADA spot dimensions and signs. Mr. McClellan said they will provide it.

Mr. Quantmeyer said that he tries to do his best with different properties as he develops and fixes them and tries to stay current. He believes that everyone will be pleased with what they do. The

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building is not changing in shape or size. Modifications are on the existing because of the change of use.

EL said that the questions and comments from the Phillips Preiss February letter were addressed.

SL appreciates everything that Mr. Quantmeyer is doing with the building and believes that the building will look good, but is concerned about the windows in the basement. He is concerned that the sprinkler system is not sufficient because of a past fire in Harrington Park where there was a death. Mr. Quantmeyer replied that what will be done is with respect to the code requirements. The building is not currently sprinkled, but will be added in the architectural plans. The next phase, it will meet the fire code required by the state between the sprinklers and fire separation. This will be determined by the architect and the building department. Mr. Quantmeyer explained that he was the investigative officer in the incident and that the sprinkler was not the issue.

GZ asked if the windows in the basement allows the people to get out if necessary. Mr. Quantmeyer explained that the state allows 2 forms of egress. There are 2 forms of egress, doorway egress, which fits the state requirements to have an apartment on the lower level. Normally, you would have a house with windows, but the apartment has stairways. All of this will be addressed at the next stage with the building department and architectural plans.

The meeting was opened to the public. There were no questions or comments from the public members in the meeting. The meeting was closed to the public.

Vote to approve Use variance for 4 Park Street application subject to compliance with the items outlined at this (July 22, 2020) meeting.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT				X		
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
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The application was approved subject to compliance to what was discussed this evening. It will be memorialized in a written resolution that will be adopted in the August meeting and published. After that, anyone having an objection has a 45 days period to file suit to reverse the decision. Mr. Quantmeyer thanked the board.

2. 157 Lynn Street - Rear yard setback for a deck (Jung and Eunha Park)

In the last meeting, it was discussed that the meeting would continue until this evening so that members could look at the property and hopefully would be prepared to vote on the application.

The board did not have any questions for Mr. and Mrs. Park. Mr. and Mrs. Park had nothing to add. Mr. Park said that nothing has changed since the last meeting.

Mrs. Park is still under oath. Mrs. Park summarized the application. There is a 22ft x 10ft existing deck and they are asking for a 45ft x 10ft deck. They are extending 8ft from the left and 15ft on the right. They are not asking to go any closer to their neighbor's backyard. They are asking for a variance for the setback.

The meeting was opened to the public. There were no questions from the public. The meeting was closed to the public.

Vote to approve 157 Lynn St. application for deck rear setback variance.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS	X		X			
Robert BUDINICH			X			
Jin CHO			X			
Steve LOTT		X	X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)			X			
Robert FRANK (alternate b)			X			

The application was approved. There will be confirmed in a written resolution that will be adopted in the August meeting. The resolution will be published in the newspaper. Within 45 days of after it is published, anyone who disagrees with the decision can file suit to overturn it. You can be guided logistically by that time frame. The Parks thanked the board.

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3. 111 South Colonial Drive - Approval Extension for in-ground Pool (Jonathan Fischer)
Jonathan Fischer, 111 South Colonial Drive, was sworn in. Due to COVID-19, it is difficult to find contractors to do the project. Everything was on pause. Given the backlog of work and availability of the people, Mr. Fischer needs more time to complete the project. The application was approved in December 2019 and the end date would be September 2020. Mr. Fischer is requesting an extension to the variance until July 31, 2021. The application was for an inground pool and with variances.

The meeting was opened to the public. No questions from the public. The meeting was closed to the public.

The board had no questions.

Vote to approve 111 South Colonial Drive application for variance extension to July 31, 2021.	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT		X	X			
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)			X			
Robert FRANK (alternate b)			X			

The extension was approved. The written resolution will be adopted in the next meeting. Mr. Fischer thanked the board.

4. 63 First Street - Addition (Marlene and Wojciech Bednarz)

The application was brought to the board in January 2019 and approved. Mr. Callahan prepared the plans. Mr. Callahan explained that the applicants were not able to go forward with their plans and may speak about it. The application today is basically the same.

Brian Callahan, 40-A Tillman St., Westwood, NJ, architect, was sworn in. Wojciech and Marlene Bednarz, 4731 59 St. Woodside, NY, were sworn in.

Mr. Callahan said that it was the same application that was approved. Internal modifications were made, but nothing changed in the bulk zoning. Setbacks and lot coverage are the same.

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Mr. Callahan reviewed the application. There is a single family dwelling on the property. The site is non-conforming. The width is 50ft and 75ft is required in the R-1 Zone. The pre-existing non-conforming conditions are the side yard setback is 8.1ft from the east property line (minimum is 15ft) and 12.8ft from the front property line (minimum is 25ft). They are proposing additions to the west and north side of the existing structure and are seeking variances for the front and side yard setback. They are not going any further in the front yard encroachment. Currently, there is 21ft on the west side and 8.1ft on the east side, they are proposing 12.5ft and 8.1ft. They are proposing a front yard setback and a side yard setbacks. It is a 2 story addition as shown in the architectural plans that were submitted. The back of the house, the addition is approximately 26'8" North south, and 24'4.5" east west. On the left side, the addition is 7ft x 28ft. The first floor plan has a side entry mudroom, living room, new stairs, pantry, powder room, kitchen, family, dining room, with rear deck. 2nd floor, the plans are 3 bedrooms and 2 full baths including the master suite. Currently, there are 3 small bedrooms. They are not adding any bedrooms but are expanding the existing. It will remain a 3 bedroom dwelling.

RM recalled that the neighbor on the west side had a concern about the encroachment on the west side of the house, but it was addressed. Mr. Callahan confirmed that the initial plan was more ambitious that included a garage on the left side. They revised the plan to the current state and pulled the west part of the addition further away from the property line.

Mr. Callahan stated in his professional opinion that the plan is not detrimental to the public good nor will it substantially impair the intent or purpose of the zoning ordinance. It is keeping in with the scale of the neighborhood 2-story structure and use as a single family residence. The lot is narrow, but the proposal conforms to the ordinance with respect to lot coverage and improved lot coverage. The approval of the variance would allow upgrade of the structure to 2020 standards which include new electrical and fire detection systems and will be in conformance with current state building codes. This would be a benefit of the public good.

There were no questions from the board.

RM explained to Mr. and Mrs. Bednarz that the procedure is to continue the application to the next meeting to give the board members the opportunity to look at what was proposed. In a safe way, mark out the parameters of the proposal to allow the members to see how it might affect the immediate neighbors and neighborhood. The next meeting is August 26th. The application will be carried until then.

The meeting was opened to the public.

Vince Forma, the neighbor directly to the east of the property. He is not opposed to the rehabilitation of the structure and believes it would beautify the neighborhood. It is significantly deeper from north to south along his property. It is 8ft and he is concerned about privacy. The Cohens were concerned about the side yard and it has been addressed. Mr. Forma has not seen

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the plans and is glad that the members will look at the mark out for the addition. Mr. Forma asked if the side yard setback is 5ft. Mr. Callahan said that was changed to 12.8ft. Mr. Callahan said the 8.1ft is at the front corner of the house and the house is skewed and not parallel with the property line. The rear addition is 10.5ft from the east property line. Mr. Forma mentioned that his addition was made 26ft from the property line. He wasn't aware of the 8.1ft from the property line of the existing structure. Mr. Forma's main concern is privacy in the backyard and the depth of the structure and the footprint. He has seen the interior of the structure and believes that it is like a 2 bedroom. Mrs. Bednarz said that the closing documents indicated that it is a 3-bedroom dwelling. Mr. Callahan noted that there is a first floor room with a closet that might be considered a bedroom. Mr. Bednarz said that there are 3 pronounced bedrooms upstairs and there could be a bedroom downstairs. Mr. Callahan said that the submitted plans has exterior elevations. Mr. Bednarz said that the plans that were given to Mr. Forma had not changed much. Mr. Forma did not know where they are and will arrange a time to meet CL to review the plans.

The meeting was closed to the public.

Vote to carry the meeting until August 26, 2020 at 7pm.

Motion: RB Second: GZ

In favor, all said "aye". None opposed.

5. 1 Eastbrook - 6ft Fence (Dino Ruggiero)

Dino Ruggiero, 1 Eastbrook Road, Harrington Park, NJ was sworn in. Mr. Ruggiero is coming before the board to erect a fence. The property is on a corner lot and is considered to have 2 front yards. He would like to erect a 5ft high fence along Hackensack behind the tree line and mostly on the grass line where the beds of the landscaping is shaped. It would be about 20ft from the front facing portion from the home to the bend. Mr. Ruggiero is also proposing a 6ft high fence between the backyard neighbor that is about a 35-40ft long. The width of the rear yard is about 50 yards. The fence would be white vinyl. Mr. Ruggiero has lived in the house for 14 years and a lot has changed on the block. The back neighbor has taken down about 7-8 40ft trees along the property line on Hackensack and the rear yard that was a nice natural fence. It has changed the eyeshot into his backyard. It is a privacy matter. There is more traffic on Hackensack and with COVID, there are more people going in for tennis which is close to his backyard. He has 3 teenage daughters in the backyard tanning and playing with friends. This has changed his privacy. Mr. Ruggiero is planning for a pool which would require a 5ft fence and does not want to change the fence if a pool is constructed.

GZ reviewed that Mr. Ruggiero is proposing a 5ft fence along Hackensack, a 6ft fence between the backyard neighbor and a 5ft fence between the side yard neighbor. GZ asked if Mr. Ruggiero would consider putting up bushes. Mr. Ruggiero said he would not because the landscaping that was removed would take a long time for them to grow as full as it was and the cost would be more than a fence. There are a lot of roots from the large trees that would make it difficult for smaller bushes to grow.

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RB asked if the fence would be flanked along Hackensack. Mr. Ruggerio said that the fence would be along Hackensack behind the trees, not on the curblin and would be covered by the trees. The survey submitted does not show the landscaping. The fence length would be approximately 100ft. Mr. Ruggerio would not consider natural vegetation. Mr. Ruggerio would consider a 5ft fence all around to make it more eye appealing. He would not consider 3ft along Hackensack. He would like to set the boundaries to put landscaping within the fence. The neighbor has taken down many trees and he would like to keep his privacy and keep his family protected with the increase in traffic. JS mentioned that the 3ft restriction was not intended with corner lots in mind. The issues with corner lot versus an interior lot, the 3ft high fence is intrusive to the neighbor. If you are looking at the survey, there is no neighbor because it is Hackensack Ave. Mr. Ruggerio has not moved the 40ft high trees. GZ noted that this would be the only 5ft high fence on Hackensack aside from another house on Hazel St. that has a pool. Mr. Ruggerio is planning a pool in the future. GZ asked if the trees would cover the fence so that it would not be an eyesore when you drive by. Mr. Ruggerio agreed. Mr. Ruggerio said that he would amend the application for a 5ft along the backyard.

SL mentioned that in the last meeting the board asked the concerns about 5ft and 6ft fences to the Mayor and Council and Planning Board. JS said that the letter was sent and will be discussed in the next Planning Board meeting. RM mentioned that the letter discussed 6ft fence and not the 3ft fence for a front yard. SL asked if the Borough changes the ordinance to allow 6ft fences, what would happen to this application? JS said that the applicant can increase the height without a variance, but would require a variance for the 5ft front yard fence. If the town and the Planning Board are in agreement to change the ordinance, it is at least a 2-3 month process.

MR said that backyards are a much less concern, but the fence that faces the public street is one of the things that we want to know strictly do they want to adhere to. Initially it was for the look of the community. Our judgment will recognize what the town wants. If the town is willing to allow something that is larger than 3ft then MR would feel more comfortable considering it. The original intent was to keep it open because it was the line of vision through the town. If the town had time to address this, it would be helpful in making a decision. JS said that it is unlikely to have the feedback to make a decision on this application. RM noted that the letter addressed only 6ft fences as opposed to the 5ft. SL said that the town should also consider 3ft fences. MR will consider what he believes the original intent of the council.

Meeting was opened to the public for questions or comments. There were none. The meeting was closed to the public.

Vote to carry the application to the August meeting so the members can take a look at the property and its neighboring properties.

Motion: GZ Second: JP

In favor, all said "aye". None opposed.

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RM told Mr. Ruggerio that between now and August 26, 2020 the members will go out individually to take a look at the property. The focus will be on the Hackensack Avenue side. If anyone goes on the property, they will ring the doorbell first and let you know they are there.

RESOLUTIONS

1. 5 Council Place - 6ft fence (Mr. & Mrs. Dobrin)

SL if town allows 6ft fences, what happens to this application? If they town changes the ordinance to allow 6ft fences, the applicant doesn't need to apply for a variance for a 6ft fence. SL and RM asked CL to notify Mr. Dobrin that the board has asked the Mayor and Council to consider the prospect of 6ft fences and that it may be a while before a decision is made. It might be worth it to wait in the long run.

MR said that many people bring up the cost between landscaping and fencing and he didn't find a significant difference in cost. It may take a couple of years to grow to the height and width they want.

Vote to approve 5 Council Place resolution (application denial)	Motion	Second	Yes	No	Abstain	Absent
Chairman Richard McLAUGHLIN			X			
Vice Chair Michael ROTH			X			
John POWERS			X			
Robert BUDINICH	X		X			
Jin CHO			X			
Steve LOTT					X	
Stephen MARTINEZ						X
Gail ZACCARO (alternate a)		X	X			
Robert FRANK (alternate b)			X			

MEETING OPEN TO THE PUBLIC

No questions or comments from the public.

MEETING CLOSED TO THE PUBLIC

OLD BUSINESS

142 Schraalenburgh Road

- CL has not written Ms. Meakin a letter regarding her application, but will.

6ft Fences - Discussed in M&C and Planning Board

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NEW BUSINESS

No new business.

ADJOURN

Vote to adjourn the meeting.

Motion: GZ Second: SL

In favor, all said “aye”. Unanimously approved.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
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Wednesday, August 26, 2020 at 7pm